

Santa Rosa Police Department

MEMORANDUM

DATE: November 18, 2015
TO: All Department Personnel
FROM: Chief Robert L. Schreeder
SUBJECT: NEW POLICY – BODY-WORN CAMERAS

MEMORANDUM #15-06

Below is a new SRPD Lexipol Policy #450, Body-Worn Cameras.

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body-worn cameras (“BWCs”) by employees of the Santa Rosa Police Department while in the performance of their duties.

The purpose of the BWC is to assist law enforcement personnel in the performance of their duties by obtaining documentary evidence for criminal investigations. BWC recordings may also prove valuable in related civil litigation, citizen complaints and administrative matters arising from police activity

While BWCs can provide an objective record of events, it is understood that video/audio recordings may not necessarily reflect the entire experience or state of mind of the individual employee(s) in a given incident. In some circumstances, the BWC could capture information that may not have been heard or observed by the involved employee(s). Similarly, there could be situations where the BWC will not capture information that was heard and/or observed by the involved employee(s).

This policy applies only to body-worn cameras and their recordings. Digital audio recorders and mobile audio/video recording systems are regulated by separate policies.

Adopted November 18, 2015 by Chief Robert L. Schreeder

450.2 POLICY

The use of BWCs is intended to enhance the mission of the department by recording contacts between members of the public and sworn employees of the department who are acting in their official capacity. The department will provide sworn officers and supervisors BWCs for use

during the performance of their official duties. Employees are prohibited from using personally owned audio/video recording devices in place of or in addition to their department-issued BWC. Employees trained on the BWC and Digital Evidence Management System shall use the equipment in a manner consistent with department training.

Personnel shall utilize BWCs in accordance with the provisions in this policy to maximize effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

All recorded media, images and audio from the BWC are property of the department and shall not be copied, released, or disseminated in any form outside the parameters of this policy without the expressed written consent of the Chief of Police.

450.3 DEFINITIONS

- a. **Activate** – Any process that causes the body worn camera system to record and store video and/or audio data.
- b. **Body Worn Camera (BWC)** – An audio and video recording device worn on an individual officer's person.
- c. **Critical Incident** – An incident involving a law enforcement employee where a use of lethal force or fatal injury occurs. For the purposes of this policy, a critical incident may cause, but does not require, the invocation of the countywide Law Enforcement Employee Involved Fatal Incident Protocol.
- d. **Digital Evidence Management System** – Software and hardware used to store, catalog, view, and otherwise manage digital evidence to include audio and video files recorded on body worn cameras.
- e. **System Administrator** – A sworn or civilian manager tasked with the maintenance, auditing, configuration, and reliable operation of the BWC and digital evidence management systems.

450.4 EMPLOYEE RESPONSIBILITIES

Each employee issued a BWC shall be responsible for maintaining the recorder in good working order. If the employee becomes aware that a recorder is not in working order or malfunctions at any time, the employee shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed employees shall wear the BWC on the front of their uniform in a manner allowing it to function properly. Non-uniformed employees should wear the recorder in a manner allowing it to function properly.

Employees shall document the existence of a recording in any report or other official record of the contact, including any instance where the BWC malfunctioned or was prematurely deactivated. Employees should also document the reason for any premature deactivation of the BWC.

450.5 ACTIVATION OF THE BODY WORN CAMERA

- a. This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Officers are expected to activate their BWC in any of the following situations:

1. All enforcement and investigative contacts including stops, field interview (FI) situations, and interviews with crime victims, witnesses, or suspects.
 2. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
 3. Probation or parole searches
 4. Service of search or arrest warrants
 5. Self-initiated activity in which an employee would normally notify Dispatch.
 6. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 7. Any incident where a use of force occurs or is likely to occur.
 8. Any time the employee believes the recording would provide evidence for a criminal investigation.
 9. Upon the order of a supervisor.
- b. At no time is an employee expected to jeopardize his/her safety in order to activate a BWC or change the recording media. However, the recorder should be activated in situations described above as soon as practical.
 - c. Employees should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect the interests of witnesses, informants, and victims by discontinuing recording whenever it reasonably appears to the employee that such personal interests may outweigh any legitimate law enforcement interest in recording. Recording should resume when the employee believes the law enforcement purpose supersedes any competing interest.
 - d. Additionally, employees shall have the discretion to turn the BWC off during conversations with members of the community, including but not limited to confidential informants who wish to discuss criminal activity in their neighborhood but are hesitant to come forward if they will be recorded. Personnel shall also have the discretion to temporarily terminate a recording when communicating with fellow law enforcement personnel regarding tactical decisions and/or operational strategy.

450.5.1 SURREPTITIOUS USE OF THE BODY WORN CAMERA

- a. Sworn personnel are not required to obtain consent to record from a private person when:
 1. In a public place.
 2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where SRPD personnel are lawfully present and engaged in the performance of official duties).
- b. However, employees are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and will not interfere with the investigation or officer safety.
- c. Employees are prohibited from using the BWCs to surreptitiously record any conversation of or between department employees without the individuals' knowledge and express consent to record the conversation.

450.5.2 CESSATION OF RECORDING

Once activated, the BWC should remain on continuously until the employee's direct participation in the incident is complete, or in circumstances outlined above regarding privacy, confidential information, tactical discussions, etc. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

450.5.3 EXPLOSIVE DEVICE

Many portable recorders, including BWCs and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

450.6 PROHIBITED USE OF BODY WORN CAMERAS

- a. Employees are prohibited from using BWCs for personal use, and are prohibited from making personal copies of recorded events except as provided in this policy.
- b. Employees shall not duplicate or distribute BWC recordings except for legitimate department purposes. All such recordings shall be retained at the department.
- c. Recordings shall not be used for the purpose of harassment, embarrassment, intimidation or ridicule.

450.7 RETENTION OF RECORDINGS

All recordings made by employees shall be uploaded to the appropriate department server periodically, but no later than the end of the employee's shift. Employees shall not delete any recordings. A Lieutenant or Captain may authorize the deletion of accidental BWC recordings after reviewing the recording to ensure that it has no evidentiary or administrative value.

Any time an employee records any portion of a contact that the employee reasonably believes constitutes evidence in a criminal case, the employee shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report.

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the City's records retention schedule (unless deletion is otherwise authorized pursuant to section 450.7, above). Recordings showing a use of force, subject to civil litigation or personnel complaints shall be maintained for a period not less than 27 months. Recordings constituting evidence in a criminal or civil proceeding shall be retained pursuant to the Evidence retention procedures of the department.

450.8 REVIEW OF RECORDINGS

All access to the BWC recordings is logged and subject to audit at any time. Personnel may only review BWC recordings according to the provisions of this policy.

450.8.1 EMPLOYEE ACCESS TO BWC RECORDINGS

- a. Generally, personnel will not have access to other employees' BWC recordings unless access is approved by a supervisor for purposes of conducting a criminal or administrative investigation.
 1. Personnel actively assigned to conduct a criminal or administrative investigation (such as the case detective) may review the involved personnel's relevant BWC recordings as part of the ongoing investigation.
- b. Employees may review relevant BWC recordings when completing official reports and investigations or to prepare for court testimony.
- c. Officers may view relevant video they recorded prior to submitting to an interview as part of an administrative investigation or personnel inquiry. Officers being interviewed during an administrative investigation may view relevant recordings made by other employees only with the approval of the Lieutenant or Captain managing the administrative investigation.
- d. In the event of a critical incident, BWC recordings shall be uploaded as soon as practical.
 1. Depending on the circumstances, it may be necessary for personnel other than the involved employee to upload the BWC recording. This will be determined by the supervising officer on scene.
 2. The review of recordings by officers following their involvement in a critical incident shall be governed by the countywide Law Enforcement Employee-Involved Fatal Incident Protocol.

450.8.2 SUPERVISOR ACCESS TO BWC RECORDINGS

Supervisors shall not review BWC recordings arbitrarily, but are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in assisting in an ongoing investigation. With approval of a Lieutenant, a supervisor may also view recordings to determine training needs or review an employee's performance. If improper conduct is discovered during any such review of BWC recordings, minor infractions (not criminal in nature) discovered during such review should be viewed as training opportunities, and not subject personnel to disciplinary action. Should the behavior or action be repetitive after being addressed by a supervisor, the appropriate disciplinary or corrective action should be pursued.

450.8.3 USE OF BWC RECORDINGS FOR TRAINING PURPOSES

BWC recordings may be used to train department employees with the approval of the Support Bureau Manager and only after notification of the employees involved in the recorded incident.

450.9 REQUESTS TO PRODUCE BWC RECORDINGS

- a. Sonoma County District Attorney, Santa Rosa City Attorney, and/or Court Requests
 1. Requests for copies of BWC recordings shall be in writing and forwarded to the custodian of records. BWC recordings may be released by the custodian of records pursuant to lawful court processes. Copies may be provided to the Santa Rosa City Attorney to aid in any defense or inquiry into the conduct of employees of the

department or to assist in determination of whether records should be released in response to requests from third parties.

b. Other Requests

1. All other requests for BWC recordings shall be accepted and processed by the department custodian of records in accordance with federal, state, and local statutes and department policy related to the release of public information.
2. The Chief of Police may consult with the City Attorney and City Manager, but shall have the final authority to approve/deny requests to release audio/video files consistent with state and federal law.
3. The Chief of Police shall make all reasonable/lawful efforts to preserve the privacy of community members and employees of the department in the event it is determined that such information must be released.

Expiration: Upon inclusion in SRPD Policy Manual